

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

BEATRICE CUSHNER,

*Plaintiff,*

—against—

THOMAS W. JACOBS and JACOBS  
COMMUNICATIONS GROUP LLC d/b/a  
BNC VOICE,

*Defendants.*

2022 Civ. 00412 (PMH)

**ANSWER**

**JURY TRIAL DEMANDED**

Defendant JACOBS COMMUNICATIONS GROUP LLC d/b/a BNC VOICE (hereinafter “Corporate Defendants”), and THOMAS W. JACOBS (“Individual Defendant”), on behalf of themselves, (collectively, “Defendants”), by and through their attorneys, Jones Law Firm, P.C., as and for their Answer to the Complaint filed by BEATRICE CUSHNER (hereinafter, “Plaintiff”), hereby answer as follows:

**THE PARTIES**

1. Defendants deny knowledge or information sufficient to form a belief.
2. Defendants deny.
3. Defendants deny.
4. No response is required.

**JURISDICTION AND VENUE**

5. Defendants admit.
6. Defendants deny knowledge or information sufficient to form a belief.
7. Defendants admit.
8. Defendants admit.

**FACTS COMMON TO ALL ALLEGATIONS**

9. Defendants deny.
10. Defendants deny.
11. Defendants deny.
12. Defendants deny.
13. Defendants deny knowledge or information sufficient to form a belief.
14. Defendants deny knowledge or information sufficient to form a belief.
15. Defendants deny knowledge or information sufficient to form a belief.
16. Defendants deny knowledge or information sufficient to form a belief.
17. Defendants deny knowledge or information sufficient to form a belief.
18. Defendants admit.
19. Defendants deny knowledge or information sufficient to form a belief.
20. Defendants deny knowledge or information sufficient to form a belief.
21. Defendants deny knowledge or information sufficient to form a belief.
22. Defendants deny knowledge or information sufficient to form a belief.
23. Defendants deny knowledge or information sufficient to form a belief.
24. Defendants deny knowledge or information sufficient to form a belief.
25. Defendants deny knowledge or information sufficient to form a belief.
26. Defendants deny knowledge or information sufficient to form a belief.
27. Defendants deny knowledge or information sufficient to form a belief.
28. Defendants deny knowledge or information sufficient to form a belief.
29. Defendants deny knowledge or information sufficient to form a belief.
30. Defendants deny knowledge or information sufficient to form a belief.

31. Defendants deny knowledge or information sufficient to form a belief.
32. Defendants deny information or knowledge sufficient to form a belief.
33. Defendants deny knowledge or information sufficient to form a belief.
34. Defendants deny knowledge or information sufficient to form a belief.
35. Defendants deny.
36. Defendants admit.
37. Defendants deny.
38. Defendants deny knowledge or information sufficient to form a belief.
39. Defendants deny.
40. Defendants admit.
41. Defendants admit.
42. Defendants deny knowledge or information sufficient to form a belief.
43. Defendants deny knowledge or information sufficient to form a belief.
44. Defendants deny knowledge or information sufficient to form a belief.
45. Defendants deny knowledge or information sufficient to form a belief.
  - a. Defendants deny knowledge or information sufficient to form a belief.
  - b. Defendants deny knowledge or information sufficient to form a belief.
  - c. Defendants deny knowledge or information sufficient to form a belief.
46. Defendants deny knowledge or information sufficient to form a belief.
47. Defendants deny knowledge or information sufficient to form a belief.
48. Redemption speaks for itself and this allegation contains conclusions of law to which no response is required; otherwise, Defendants deny.

49. The Redemption speaks for itself and this allegation contains conclusions of law to which no response is required; otherwise, Defendants deny.

50. The Redemption speaks for itself and this allegation contains conclusions of law to which no response is required; otherwise, Defendants deny.

51. Defendants deny.

52. Defendants deny.

53. Defendants deny.

54. Defendants deny.

55. Defendants deny.

56. Defendants deny.

57. Defendants deny.

58. Defendants deny knowledge or information sufficient to form a belief.

59. Defendants deny knowledge or information sufficient to form a belief.

60. Defendants deny.

61. Defendants deny knowledge or information sufficient to form a belief.

62. Defendants deny.

63. Defendants deny knowledge or information sufficient to form a belief.

64. Defendants deny knowledge or information sufficient to form a belief.

65. Defendants deny knowledge or information sufficient to form a belief.

66. Defendants deny knowledge or information sufficient to form a belief.

67. Defendants deny.

68. Defendants deny.

69. Defendants deny.

70. Defendants deny.

71. Defendants deny.

72. Defendants deny knowledge or information sufficient to form a belief.

73. Defendants deny.

74. Defendants deny.

75. Defendants deny knowledge or information sufficient to form a belief.

76. Defendants deny.

77. Defendants deny.

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS**  
**(BREACH OF CONTRACT)**

78. Defendants repeat, reiterate, and reallege each and every response contained in paragraphs “1” through “78” above, as if the same were more fully set forth at length herein.

79. Defendants deny.

80. Defendants deny.

81. Defendants deny.

82. Defendants deny.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANT JACOBS**  
**(BREACH OF FIDUCIARY DUTY)**

83. Defendants repeat, reiterate, and reallege each and every response contained in paragraphs “1” through “83” above, as if the same were more fully set forth at length herein.

84. Defendants deny.

85. Defendants deny.

86. Defendants deny.

87. Defendants deny.

88. Defendants deny.

89. Defendants deny.

90. Defendants deny.

91. Defendants deny.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST ALL DEFENDANTS  
(ACCOUNTING)**

92. Defendants repeat, reiterate, and reallege each and every response contained in paragraphs “1” through “92” above, as if the same were more fully set forth at length herein.

93. Defendants deny.

94. Defendants deny.

95. Defendants deny.

96. Defendants deny.

97. Defendants deny.

**AS AND FOR A FOURTH CAUSE OF ACTION AGAINST ALL DEFENDANTS  
(CONSTRUCTIVE TRUST)**

98. Defendants repeat, reiterate, and reallege each and every response contained in paragraphs “1” through “98” above, as if the same were fully set forth at length herein.

99. Defendants deny.

100. Defendants deny.

101. Defendants deny.

102. Defendants deny.

103. Defendants deny.

104. Defendants deny.

105. Defendants deny.

106. Defendants deny.

107. Defendants deny.

**AS AND FOR A FIFTH CAUSE OF ACTION AGAINST DEFENDANT JACOBS**  
**(BREACH OF COMMON LAW DUTY OF LOYALTY)**

108. Defendants repeat, reiterate, and reallege each and every response contained in paragraphs “1” through “109” above, as if the same were more fully set forth at length herein.

109. Defendants deny.

110. Defendants deny.

111. Defendants deny.

112. Defendants deny.

113. Defendants deny.

114. Defendants deny.

115. Defendants deny.

**AS AND FOR A SIXTH CAUSE OF ACTION AGAINST DEFENDANT JACOBS**  
**(CONVERSION)**

116. Defendants repeat, reiterate, and reallege each and every response contained in paragraphs “1” through “118” above, as if the same were more fully set forth at length herein.

117. Defendants deny.

118. Defendants deny.

119. Defendants deny.

120. Defendants deny.

121. Defendants deny.

122. Defendants deny.

123. Defendants deny.

124. Defendants deny.

125. Defendants deny.

126. Defendants deny.

Defendants demand a jury trial on all issues so triable.

**WHEREFORE**, Defendants pray for judgment against Plaintiff as follows:

- a) That Plaintiff take nothing by this action;
- b) That judgment be entered in favor of Defendants and against Plaintiffs, and that this action be dismissed in its entirety, with prejudice;
- c) For costs incurred in defending this action;
- d) For reasonable attorneys' fees incurred in defending this action; and
- e) For such other and further relief as the Court deems just and equitable.

**AFFIRMATIVE DEFENSES**

**FIRST DEFENSE**  
**(FAILURE TO STATE A CLAIM)**

- 1. Defendants repeat, reiterate, and reallege all prior responses as though fully set forth at length herein.
- 2. Plaintiff fails to state a claim on which relief can be granted.

**RESERVATION**

Defendants further respectfully reserve the right to amend the affirmative defense as may be warranted.



Dated: April 1, 2022  
New York, New York

/s/ T. Bryce Jones  
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